



RESOLUTION

INITIATING AMENDMENTS TO THE REVISED CHARTER OF THE CITY AND COUNTY OF HONOLULU 1973 (2017 EDITION) TO ESTABLISH A TERM LIMIT FOR THE PROSECUTING ATTORNEY OF THE CITY AND COUNTY OF HONOLULU.

WHEREAS, the voters of the City and County of Honolulu ("City") have approved term limits for the elected offices of City Councilmember and Mayor of the City, but have not established term limits for the City's elected Prosecuting Attorney; and

WHEREAS, the same policy reasons for limiting the terms of Councilmembers and the Mayor, such as limiting the ability of City officials to become entrenched in power and thereby in a position to abuse the powers entrusted to them by the voters, apply to the Prosecuting Attorney; and

WHEREAS, the possibility of an abuse of power by the City's Prosecuting Attorney, who has the authority to initiate criminal proceedings and to threaten the initiation of criminal proceedings against any person within the City, is particularly concerning; and

WHEREAS, the incumbent Prosecuting Attorney has served three full four-year terms (1989-1993, 1993-1997, and 2013-2017), been elected to serve an additional four year term (2017-2021), and was also elected in a special mid-term vacancy election to serve an approximately two-and-a-half additional years (2010 – 2013) as the City's Prosecuting Attorney; and

WHEREAS, if serving until the end of the term to which the incumbent Prosecuting Attorney has been elected, the Prosecuting Attorney will have served in that office for in excess of 18 years, and it is therefore appropriate to include the 2013-2017 and 2017-2021 terms in the calculation of the term limits applicable to the incumbent; now, therefore,



RESOLUTION

BE IT RESOLVED by the Council of the City and County of Honolulu:

1. That the following question be placed on the ballot for the 2020 general election:

"Shall the Revised City Charter be amended to establish for the Prosecuting Attorney of the City and County of Honolulu a term limit of two consecutive full four-year terms, the same term limit as is applicable to the Mayor and Councilmembers of the City and County of Honolulu?"

2. That Section 8-102 of the Revised Charter of the City and County of Honolulu 1973 (2017 Edition) be amended to read as follows:

"Section 8-102. Term of Office -- The term of office of the prosecuting attorney shall ~~commence~~ be four years commencing at twelve o'clock meridian on the second day of January following the prosecuting attorney's election. No person shall be elected to the office of prosecuting attorney for more than two consecutive four-year terms."

3. That Article 16 of the Revised Charter of the City and County of Honolulu 1973 (2017 Edition) ("Transition Schedule"), be amended to add a new section to be appropriately numbered by the Revisor of the Charter and to read as follows:

"Section 16- . Transition Provisions Concerning the Term Limits for the Prosecuting Attorney.

For purposes of the provisions of Section 8-102 establishing term limits for the prosecuting attorney, the limitation shall include any four-year term or terms to which the prosecuting attorney in office as of the effective date of this section had been elected prior to, as well as any four-year terms to which that prosecuting attorney is elected following, the effective date of this section."

4. That in Sections 2 and 3 of this resolution, Charter material to be repealed is bracketed and stricken and new Charter material is underscored. When revising, compiling, or printing these Charter provisions for inclusion in the Revised Charter of the City and County of Honolulu 1973, as amended, the Revisor of the Charter need not include the brackets, the bracketed material, or the underscoring.



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5. That if these Charter provisions are amended by any other Charter amendment(s) approved by the voters at the 2020 general election, the Revisor of the Charter, in revising, compiling, or printing the Revised Charter:
 - a. May designate or redesignate articles, chapters, sections or parts of sections, and rearrange references thereto;
 - b. Shall, except as otherwise expressly provided in this resolution or in the other resolution(s) amending these Charter provisions, give effect, to the extent possible, to all of the amendments approved; and
 - c. Change capitalization or the form of numbers and monetary sums for the sake of uniformity.
6. That upon adoption of this resolution by the Council, the City Clerk be and is hereby directed:
 - a. To prepare the necessary ballots with the question contained in this resolution and with spaces for "yes" and "no" votes on the question for presentation to the electors at the 2020 general election. The City Clerk may make technical and non-substantive changes to the form of the question presented in order to conform it to the form of other Charter amendment questions presented to the electors at the same election; and
 - b. To publish the above-proposed Charter amendments at length in a daily newspaper of general circulation in the City and County of Honolulu at least 45 days prior to their submission to the electors at the 2020 general election.



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7. That upon approval of the Charter amendment question posed in this resolution by a majority of the electors voting thereon, as duly certified, the Charter amendments proposed in this resolution shall take effect on January 1, 2021 and the Revisor of the Charter is directed to insert this effective date wherever the phrase "the effective date of this section" appears in the new Charter Section 16-__ enacted pursuant to Section 3 of this resolution.

INTRODUCED BY:

Ron Menor

DATE OF INTRODUCTION:

FEB 19 2019

Honolulu, Hawaii

Councilmembers

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

RESOLUTION 19-35

Introduced: 02/19/19 By: RON MENOR

Committee: EXECUTIVE MATTERS
AND LEGAL AFFAIRS

Title: RESOLUTION INITIATING AMENDMENTS TO THE REVISED CHARTER OF THE CITY AND COUNTY OF HONOLULU 1973 (2017 EDITION) TO ESTABLISH A TERM LIMIT FOR THE PROSECUTING ATTORNEY OF THE CITY AND COUNTY OF HONOLULU.

Voting Legend: * = Aye w/Reservations

03/08/19	COUNCIL	RESOLUTION PASSED FIRST READING AND REFERRED TO COMMITTEE ON EXECUTIVE MATTERS AND LEGAL AFFAIRS. 7 AYES: ELEFANTE, FORMBY, FUKUNAGA, KOBAYASHI, MANAHAN, PINE, TSUNEYOSHI. 2 ABSENT: ANDERSON, MENOR.
04/23/19	EXECUTIVE MATTERS AND LEGAL AFFAIRS	RESOLUTION CANCELLED.
NOTE: COUNCILMEMBER WATERS TOOK OFFICE ON MONDAY, MAY 6, 2019.		
<u>CC-173</u> ANDERSON - COUNCIL STANDING COMMITTEE ASSIGNMENTS.		
11/12/19	EXECUTIVE MATTERS AND LEGAL AFFAIRS	CR-356 – RESOLUTION REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AND SCHEDULING OF A PUBLIC HEARING. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS.
11/23/19	PUBLISH	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
12/04/19	COUNCIL/PUBLIC HEARING	CR-356 ADOPTED. RESOLUTION PASSED SECOND READING, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON EXECUTIVE MATTERS AND LEGAL AFFAIRS. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS.
12/07/19	PUBLISH	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
01/21/20	EXECUTIVE MATTERS AND LEGAL AFFAIRS	CR-10(20) – RESOLUTION REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING. 6 AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MENOR, PINE, WATERS. 3 EXCUSED: ANDERSON, MANAHAN, TSUNEYOSHI.
01/29/20	COUNCIL	CR-10(20) ADOPTED AND RESOLUTION 19-35 PASSED THIRD READING. 8 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, PINE, TSUNEYOSHI, WATERS. 1 ABSENT: MENOR.

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.


GLEN I. TAKAHASHI, CITY CLERK


IKAIKA ANDERSON, CHAIR AND PRESIDING OFFICER